



SO ORDERED.

SIGNED this 4 day of November, 2015.

A handwritten signature in blue ink, reading "David M. Warren".

David M. Warren
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
FAYETTEVILLE DIVISION**

IN RE:)
)
CHRISTOPHER NATHANIEL ALLEN,)
)
)
CYNTHIA ANN ALLEN,)
)
DEBTORS.)

**CASE NO.13-03945-8-DMW
(CHAPTER 13)**

ORDER

UPON the Motion of VT Inc. as Trustee of World Omni, its successors and assigns (World Omni), secured creditor of Christopher and Cynthia (Debtors), for relief from the automatic stay of Section 362 of the Bankruptcy Code, the Court finds as follows:

FINDINGS OF FACT:

1. On or about October 3, 2012, Debtors executed a North Carolina Closed-End Motor Vehicle Lease Agreement with World Omni through Rick Hendrick Toyota Scion dealership (the lease) for a 2012 Toyota Camry vehicle, vehicle identification number 4T1BF1FK6CU161113 (the vehicle).

2. World Omni's ownership is evidenced on the North Carolina Certificate of Title for the vehicle.

3. Debtors filed this Chapter 13 proceeding on June 24, 2013 and proposed to

assume the lease.

4. At the time the Motion was filed the payoff owed on the account for the vehicle was \$19,543.47.

5. At the time the Motion was filed Debtors were past due for lease payments due on and after March 3, 2015 in the amount of \$2,770.76; payments are \$355.19 per month and the 36 month Lease ends in October, 2015.

CONCLUSIONS OF LAW:

Because World Omni is not receiving lease payments on the account for the vehicle, World Omni's interest in the vehicle is not adequately protected entitling World Omni to relief from the automatic stay including the lack of adequate protection of its interest in the vehicle, pursuant to Section 362(d)(1) of the Bankruptcy Code.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

1. The automatic stay of Section 362 of the Bankruptcy Code be, and hereby, is released as to the vehicle;

2. World Omni shall be allowed to recover and sell the vehicle pursuant to the terms of the lease and the Uniform Commercial Code;

3. World Omni shall have a period of 120 days from the date of recovery in which to file a proof of claim for any deficiency balance; and

4. The provisions of Bankruptcy Rule 4001(a)(3) are waived and the Order is in full force upon signature of this Court.

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